

HOUSE BILL REPORT

HB 3004

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to a pilot project for registration of methamphetamine offenders.

Brief Description: Creating a pilot project for registration of methamphetamine offenders.

Sponsors: Representatives Pearson, Lovick, B. Sullivan, Sells, Ericks, Green, O'Brien, Strow, Kristiansen, P. Sullivan, Woods, Kilmer, Roach and McCune.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/2/06 [DPS].

Brief Summary of Substitute Bill

- Establishes a pilot program requiring methamphetamine offenders to register with local law enforcement in accordance with the registration requirements currently in place for kidnapping offenders.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives O'Brien, Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Minority Report: Do not pass. Signed by 1 member: Representative Darneille, Vice Chair.

Staff: Lara Zarowsky (786-7119) and Yvonne Walker (786-7841).

Background:

In 1990, the Legislature enacted the Community Protection Act, which, among other things, created a sex offender registry in Washington. A sex or kidnapping offender must register with the county sheriff in the county in which he or she resides. The offender must also notify the sheriff when he or she enrolls in a public or private school or an institution of higher education. Law enforcement officials use the information in the registry to notify the public, within certain guidelines, of a kidnapping or sex offender's presence in the community.

Information Provided upon Registration

When an offender registers, he or she must provide a variety of information including his or her name, address (a homeless offender must provide a description of where he or she plans to stay), date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases used, Social Security number, photograph, and fingerprints.

Out-of-State Registrants

An offender subject to the registration requirements who moves to Washington from another state, or who is a former Washington resident returning to this state, must register within 30 days of establishing a residence in Washington.

Written Notices

A registered sex or kidnapping offender who changes addresses within a county must send written notice to the county sheriff within 72 hours of moving. If the offender moves to a new county, he or she must provide written notice to the sheriff of the new county at least 14 days prior to moving and must provide written notice to the sheriff of the old county within 10 days of moving. An offender who becomes homeless must send written notice to the county sheriff within 48 hours of becoming homeless.

Homeless Offenders

Homeless offenders must check in with the county sheriff once a week on a date specified by the sheriff. The sheriff may require the offender to list the places where he or she stayed during the previous week.

Criminal Penalties

An offender who knowingly fails to register or notify the county sheriff, or who changes his or her name without notifying the county sheriff or the Washington State Patrol, is guilty of a crime. The offender is guilty of an "unranked" class C felony (zero-12 months in jail, a fine of up to \$10,000, or both) if the crime that caused the person to register was a felony. The person is guilty of a gross misdemeanor (zero-12 months in jail, a fine of up to \$5,000, or both) if the crime that caused the person to register was a misdemeanor or a gross misdemeanor.

Summary of Substitute Bill:

A pilot project is established requiring offenders convicted of a felony methamphetamine (meth) drug offense to register with local law enforcement in accordance with the registration requirements currently in effect for kidnapping offenders. The duration of the pilot project will extend from the effective date of the bill until July 1, 2007, and will operate in any county with a population over 600,000 but less than 700,000. Public agencies are authorized to release information to the public regarding a convicted methamphetamine offender.

Substitute Bill Compared to Original Bill:

Public agencies are authorized to release information to the public regarding a convicted methamphetamine offender.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill enables communities and law enforcement to work as a team and reduce the number of meth labs in Snohomish County. The cost should not be significant, and the Snohomish County Sheriff's Department will track data gathered during the pilot registration program for the Legislature to review. This is a citizen-based solution to not knowing where the "meth-cooks" melt back into the neighborhoods. Tracking convicted cooks and raising public awareness are valuable weapons in protecting children. Registration for meth offenders makes sense, and this is the right thing to do for Snohomish County. The government is in the business of warning, and communities deserve a warning about meth offenders. Meth labs are filthy, dangerous, and a scourge on our communities. Methamphetamine is without a doubt the worst and biggest problem in the State of Washington.

Testimony Against: Registration of sex offenders and kidnappers has proven to be very detrimental to resettlement of offenders once they are released from custody. It affects their ability to get housing, employment and education. Registration is justified in some cases, but the justifications that exist for sex offenders and kidnappers are absent in the case of meth offenders. Sex offenders are often un-treatable due to mental problems that induce them to recommit their crimes. This doesn't apply in the case of meth offenders because they can be treated. Victims are at risk in the case of sex offenders and kidnappers, whereas victimization from meth offenders is less direct. The registration requirement would apply to a large class of offenders. Much of the problem relates to meth labs, but many offenders are there simply to feed their own habits, and not to produce the drug for distribution. A pilot project restricted to Snohomish County will not address the problem; it would be simple enough for offenders to move to a different county to avoid the requirement. Enforcing this pilot project will mean charging offenders with failure to register. If this crime is applicable only for those living in a particular area, then it would be subject to an equal protection attack. There is no valid difference between a meth offender in Snohomish County and a meth offender in any other county, so an equal protection attack would be appropriate.

Persons Testifying: (In support) Representative Pearson, prime sponsor; Representative Lovick; David Coleman, Snohomish County Sheriff's Office; Shanon Heiny; Ross Wigney, Ausclean Technologies Meth-411; and Alvie Kronbeck.

(Opposed) Bill Jaquette, Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.